

Tony Siebers (excused)



City Council Chambers, Lower Level January 7, 2015

Board Members Present: Board Members Absent:

Trent Montague – Chair Mark Freeman

Wade Swanson

Tyler Stradling Ken Rembold

Greg Hitchens

Mike Gildenstern

<u>Staff Present:</u> <u>Others Present:</u>

Gordon Sheffield Ryan Nichols
Angelica Guevara Chris Baldwin
Lesley Davis Kent Brimly
Lisa Davis Zelig Hess
Wahid Alam Terrie Hatchcock
Charlotte McDermott Andy Gibson

Kim Steadman Chris Miller
Kaelee Wilson Todd Kjar

The study session began at 4:40 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 6:49 p.m., the following items were considered and recorded.

Study Session began at 4:40 p.m.

- A. Zoning Administrator's Report
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:10 p.m.

Public Hearing began at 5:30 p.m.

A. <u>Consider Minutes from the December 3, 2014 Meeting</u> -A motion was made by Boardmember Hitchens and seconded by Boardmember Stradling to approve the minutes. Vote: Passed 5-0 (Excused-Boardmember Siebers) (Absent- Boardmember Freeman)

B.	<u>Consent Agenda</u> -A motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Stradling. Vote: Passed 5-0 (Excused-Boardmember Siebers) (Absent-Boardmember Freeman)

Location: 936 South Extension Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow a parking lot

expansion in the PS zoning district. (27± acres) (PLN2014-00621)

Decision: Approved with Conditions

Summary: Ryan Nichols presented the case to the Board. Terrie Hathcock at 912 S. Revere Street,

vocalized her concern for additional taxes, but expressed her approval of the public works projects being done along the street frontage in the Fiesta District and the park

modification at 936 South Extension Road.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve

case BA14-065 with the following conditions:

1. Compliance with the project narrative, site plan and landscape plan submitted except as modified by the following conditions.

2. Compliance with all City development codes and regulations.

3. Any signage (detached and attached) shall require separate approvals and sign permits for locations, size, and quantity.

4. Compliance with all requirements of Development Services in the issuance of building permits.

FINDINGS:

- 1. The redevelopment of the site invoked conformance with current development standards.
- 2. Landscape islands are provided in between the end stalls for maximum 11 contiguous parking spaces, where maximum 8 is allowed.
- 3. Requiring full compliance with the current code would not provide flexibility to accommodate the alternate parking lot uses for Parks Department special events.
- 4. The use with alternative landscape plan will not be detrimental to surrounding properties.

Vote: Passed (6-0) (Excused-Boardmember Siebers)

Location: 5721 East Leonora Street

Subject: Requesting a Variance to allow a carport to encroach into the required side yard in the RS-

7-PAD-AS zoning district. (PLN2014-00602)

Decision: Continuance to the February 4th, 2015 Meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Stradling to continue

case BA14-066 to the February 4th, 2015 meeting.

Vote: Passed (5-0) (Excused-Boardmember Siebers) (Absent-Boardmember Freeman)

Location: 1755 North Old Colony

Subject: Requesting a Variance to allow a garage to encroach into the required front yard in the RS-

9 zoning district (PLN2014-00629)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Stradling to approve

case BA14-068 with the following conditions:

1. Compliance with the site plan as submitted, except as modified by the conditions listed below.

2. Compliance with all requirements of the Development Services Division with regard to the issuance of permits.

3. Provide building materials in exterior of garage and front addition matching the house in color, material and texture.

FINDINGS:

- 1. In its current configuration the carport's dimensions does not meet the Code standard of 20' width and 22' depth. However the property does meet the Code requirement for two covered parking spaces. This is an "existing, nonconforming" condition.
- 2. The Code establishes the minimum dimensions for a two-car garage as 20' wide and 22' long. The improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- 3. The required side yard setbacks for this zoning district are 25' front and rear and sides 7' and 10'. The existing house setbacks are 18' in the front, 20' in the rear, 7' and 12' on sides.
- 4. The applicant requested a 7' encroachment into the 25' required front setback. Also the existing carport is 12' in front of the primary wall of the house, where the code requires the garage door to be 3' behind the primary wall of the house. This is an existing condition and the carport and the house was built prior to the current code update.
- 5. This variance request allowed encroachments into front and rear yards including the garage door being in front of the house.

Vote: Passed (5-0) (Excused-Boardmember Siebers) (Absent-Boardmember Freeman)

Location: 731 South 54th Street

Subject: Requesting a Variance to allow an encroachment into the required side yard in the RS-9

zoning district. (PLN2014-00633).

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve

case BA14-069 with the following conditions:

1. Compliance with the site plan, narrative and exhibits submitted.

2. Compliance with all requirements of the Development Services Division in the issuance of sign permits.

3. An application for a building permit shall be obtained for the rear patio (no variance required).

FINDINGS:

- 1. The variance requested allowed the applicant to build an addition that will encroach 2'-6" into the required 10' side yard. The building addition will accommodate an ADA accessible bathroom for an occupant of the home. The two existing bathrooms in the home are not handicap accessible.
- 2. The addition will be placed in a side yard that is 15' wide. The bathroom is to be 7'-6" in depth for accessibility. The bathroom will be placed adjacent to the handicapped individual's bedroom for easy accessibility.
- 3. The applicant's justification to retrofit the home to accommodate Americans with Disabilities Act (ADA) standards is adequate justification for the variance request. Strict compliance of code would deprive the occupant of being able to safely maneuver in and out of a restroom.
- 4. The applicant noted the following as justification:
 - a. The adjacent neighbor has a large side yard next to the proposed addition so it will not be intrusive;
 - b. This is the only place in the home the bathroom can be added;
 - c. Strict compliance would deprive a handicapped individual of the ability to comfortably utilize the restroom; and
 - d. The granting of the variance will not give them special privilege over their neighbors.
- 5. It is important to note that the rear setback provided on the site plan is inaccurate. The applicant has re-measured the patio and has 15 feet to the rear property line. The Zoning Ordinance allows for encroachment into the rear yard for open patios. Although the setbacks are in compliance, the patio was built without the benefit of a building permit. In order to ensure compliance with the building code, the Board approved a condition that requires the applicant to submit an application for a building permit for the patio addition.

Vote: Passed (5-0) (Excused-Boardmember Siebers) (Absent-Boardmember Freeman)

Location: 9151 East Guadalupe Road

Subject: Requesting: 1) a Special Use Permit for automobile/vehicle washing; and 2) a Special Use

Permit for a Comprehensive Sign Plan, both in the LC-PAD zoning district (PLN2014-00636).

Decision: Approved with Conditions

Summary: Staff member Lesley Davis presented the case to the Board.

Zelig Hess, of Arizona Sign and Lighting explained to the Board that Valero would like to add 3 car wash signs to the carwash located to the rear of the convenience store, as opposed to the Staff-recommended 1 sign allowance.

The applicant was not able to confirm for Boardmember Hitchens if there was an on-screen carwash selection option at the gas pump.

Staff Member Lesley Davis clarified for the Board that Staff determined that 1 sign would be sufficient because of the small size of the building, the positioning of the building on the site, and in the effort to help reduce sign clutter.

Zoning Administrator Sheffield added that when sign allowances are approved for convenience stores and gas stations, they are being seen as a response to one occupancy type. In contrast, the reason Comprehensive Sign Plans are allowed, is because of the realization that there's a diversity of activity that takes place on a site. Although the Zoning Code limits attached signs to 3, the Comprehensive Sign Plan recognizes that potentially allowing a few additional attached signs assists in way-finding, identification of the operator of the site, and identification of the use on the site, and that it is overall beneficial to the site.

Motion:

It was moved by Boardmember Hitchens seconded by Boardmember Swanson to approve case BA14-070 with the following conditions:

- 1. Compliance with the site plan and sign elevations submitted except as modified by the conditions below
- 2. Approval of only one attached sign on the car wash building for a total of 4 attached signs for the overall project.
- 3. Placement of the signs must be in compliance with all City of Mesa standards.
- 4. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

FINDINGS:

- 1. This request was for a Comprehensive Sign Plan (CSP) to allow for additional attached signs in the LC zoning District. The gas station and convenience market were constructed in 2006. The carwash, which has a 1,064 square-foot footprint, was approved to be added in October of 2014.
- One intention of the Sign Ordinance is to control sign clutter while allowing a reasonable number of signs that provide reasonable identification of the business. Past reviews of similar gas station/convenience store projects have recognized the creation of separate gas, store and car wash

identities

3. The approved request is summarized in the table below:

	Approved
Attached Signs – Canopy	1 @ 37 s.f. (north elevation) 1 @ 6 s.f. (north elevation)
Attached Signs – C- Store	1 @ 43 s.f.
Attached Signs – Carwash	1 @ 23.6 s.f. (northeast elevation)
Detached Signs –	2 @ 80 s.f. – 8' high

- 4. The signs must be located to be out of the existing rights-of-way and they must also be sited to avoid any Public Utility Easements. The applicant will also have to locate the sign so that it does not affect site visibility.
- 5. The modifications to the Comprehensive Sign Plan in conjunction with the recommended conditions will be compatible with, and not detrimental to, surrounding properties.

Vote: Passed (5-0) (Excused-Boardmember Siebers) (Abstained – Boardmember Stradling)

Location: The 10600 to the 10800 Block of East Guadalupe Road (north side)

Subject: Requesting a Special Use Permit (SUP) for a convenience store to allow accessory fuel sales

in the LC zoning district. (PLN2014-00577)

Decision: Approved with Conditions

Summary: Staff member Lisa Davis presented the case to the Board.

Andy Gibson, of Bootz & Duke, 4028 W. Whitton, Phoenix; explained to Board that the tenants would be accessed through the main Fry's Food Marketplace & Pharmacy entrance and therefore needed significant signage.

Mr. Gibson confirmed for Boardmember Hitchens that all of the east elevation signs promote the internal components of Fry's, and that the individual tenant's signage is not currently an issue with Staff. The applicant also explained to the Board that since Fry's is not exercising their right to include as many monument signs as they are allowed by Code, that they should be shown some leniency when the attached sign square footage is being assessed and evaluated.

Mr. Gibson confirmed for Boardmember Freeman that he is asking for a 500 sq. ft. allowance as opposed to the 320 sq. ft. proposed by staff. He confirmed for Boardmember Hitchens that the only sign that they feel could be reduced is the Fry's Marketplace & Pharmacy Sign, as the accessory tenants need all the square footage that they can get.

Chris Miller, Real Estate Manager for Fry's, 500 S. 99th Avenue, Tolleson, clarified that the "bank" sign is tentatively going to be a Fred Meyer Jeweler, so the additional requested signage square footage is for unforeseen tenant needs. Mr. Gibson confirmed for the Board that the "bank" sign in question is 36 sq. ft. Additionally, Mr. Miller confirmed for Boardmember Hitchens that the neighborhood was involved early in the development process, and the plaza is responding to the needs of the immediate community, and they are trying to develop the best possible product.

Staff Member Davis confirmed for Boardmember Hitchens that the total allowed detached ground signage aggregate sign area along Signal Butte Road is 430 sq. ft., with a total sign height of 43'. The applicant is proposing 144 sq. ft., with the total height proposed at 26' of signage.

Zoning Administrator Sheffield confirmed for the Board that multiple monument signs are allowed by Code for the length of the street front. The ratios are 1' of sign height per every 20' of street frontage, and 1 square foot of sign area per each 2 sq. ft. of street frontage. He added that no one sign can be greater than 12' high and 80 sq. ft. in area, with sign spacing limited to every 50' along the thoroughfare. Mr. Sheffield explained to the Board that Staff is attempting to stay consistent with allowances done with similar sized facilities

at similar locations throughout the City. Mr. Sheffield acknowledged the signage visibility

challenges of the 600' setback at Mulberry Marketplace, and maintained that this significant distance is considered in the recommendation for the 160 sq. ft. of allowed signage for the anchor tenant. Mr. Sheffield added that it is very typical for applicants to give up ground signs for larger attached signs in Comprehensive Sign Plan negotiations.

Zoning Administrator Sheffield went on to explain that the Code authorizes attached signs based on occupancies, at a ratio of 2 signs per unique occupancy or tenant space. Multiple tenants that occupy a single 'occupancy' do not receive any additional signage entitlement, unless otherwise approved by a Comprehensive Sign Plan. Mr. Sheffield spoke of an alternate option to gain more signage by alluding to an previous interpretation of the Sign Ordinance that allows an unlimited amount of signage as long as it is located below the lintel of the door, provided that the sign font is 12" or less. In this scenario, the sign is deemed as not visible and unreadable from the street, and would provide another viable option for Fry's Marketplace's additional signage request. Mr. Sheffield stated that he believes that through making small compromises, like the City has with Wal-Mart and other similar large-format retail stores, to the font of signage letters, he believes that the square footage of the sign can be reduced, and the allowance can stay consistent with past approvals that the Board has made in similar circumstances.

Mr. Sheffield confirmed for Boardmember Stradling that although an anchor tenant is allowed 160 sq. ft. per Code, this allotment is slightly outdated as the Sign Code was drafted in the mid-1980s, when a standard size for a grocery store was 35,000 to 40,000 sq. ft. He explained that a small grocery store is now around 80,000 sq. ft., with the standard size measuring from 105,000-130,000 sq. ft., with an average Wal-Mart around 205,000-230,000 sq. ft. The City has allowed 400-500 sq. ft. of signage for Walmarts, but the Walmart store square footage is almost twice as large as the proposed Fry's Marketplace at Mulberry Marketplace. Mr. Sheffield maintained that by Staff allowing up to 320 sq. ft. of signage, the recommendation is consistent with past approvals for similar size anchor tenants.

Mr. Sheffield confirmed for Boardmember Freeman that "dead space" within the signage counts towards the overall square footage calculation. He explained that part of the issue is how the sign can be calculated into two separate geometric regions and as long as they create a point of tangency, those two separate areas can be used to calculate the sign area for one sign. Mr. Sheffield further explained that instead of one "box", two separate "boxes" can be created, e.g. in this case one box would encompass "Fry's", and a second, tangent box encompasses "Marketplace". He went on to say that because of the nature of the font, which uses lower case letters, and because the script has an ascender (the part of the "F" that goes above the midpoint); the signage box then rises up a little higher and, as a result, creates dead space. Mr. Sheffield relayed that this dead space exists because Fry's has chosen this particular script to serve as their logo, and this dead space calculation is uniformly and indiscriminately applied regardless of the particular sign or corporate logo considered.

Staff Member Lisa Davis explained to Boardmember Hitchens that in the applicant-submitted Comprehensive Sign Plan Packet, there is 39 sq. ft. of signage showing on the bank sign, but in the overall sign square footage chart showing on page 14 of the packet, it is labeled as "TBD". Staff member Davis confirmed that according to their calculations, the applicant would only be allowed about 36 sq. ft. of signage for the bank or "TBD".

Boardmember Hitchens estimated that if more than 36 sq. ft. was used for the bank or "TBD" sign, then the overall signage would tally in at over 500 sq. ft. Mr. Hitchens went on to estimate that even if Sign A went from 210 sq. ft. to 154 sq. ft., a subtraction of 56 sq. ft., the total signage would still not register under 500 sq. ft.

Staff Member Davis stated that Sign C could be reduced to meet square footage requirements, and Chairman Montague confirmed that if Sign C was to be reduced to 154 sq. ft. from 210 sq. ft. it would tally in at a reduction of 73%.

Mr. Gibson, the applicant, explained to the Board that Signs E and F represented in the packet are so large because they are factoring in a significant amount of dead space. Mr. Gibson went on to use Boardmember Hitchens calculation determining the potential reduction off of the Fry's Marketplace sign, reducing the signage by 27% from 100%, which would come to 73%; which would in turn translate to a 56 sq. ft. signage reduction. Mr. Gibson went on to calculate that if 56 sq. ft. were to be removed off of the Fry's Marketplace sign, and if the Fry's Pharmacy sign were to be reduced by the same percentage, deleting roughly 34 sq. ft., the total signage would be reduced by roughly 100 sq. ft., which would still leave an additional 80 sq. ft. that would need to be deleted off of other signs within the plaza. Mr. Gibson concluded that even if signs were to be reduced to arrive at a cumulative 320 sq. ft. number, the allowance would create small signs that would be barely visible from the road. He explained that he could put 4 more ground signs on each street frontage per code, but he would prefer matching the building with attached signs and he strongly encouraged the Board to allow at least 450 sq. ft. of signage.

Boardmember Swanson added that he was struggling with allowing 400-450 sq. ft. of signage simply because the applicant has chosen to setback their buildings at a significant distance off of the road. He explained that this is not a valid justification and it is not consistent with how the Board has acted in the past.

Todd Kjar, representing the Brown Group, at 7508 E. Camelback Rd, Scottsdale, explained that the design of the project has been guided by the Mesa Design Review Board, and has produced one of the best, if not the best retail development in the city, and has ran over budget because of incorporation of suggested design features. Mr. Kjar asked the Board to look at the way the signs work in the context of the plaza, and how they fit proportionally to the buildings. He asked the Board to consider the dead space as an element of a unique design, and not as something that should be counted against the total allowed square footage.

Staff Member Davis confirmed for Boardmember Rembold that according to the exhibit on page 25 in the applicant-submitted Comprehensive Sign Plan proposal, the development is planned to have a pad sign, the Fry's sign, and then another pad sign along Signal Butte Road, and then the same sequence along Guadalupe Road as well, all of which are recommended to be approved by Staff.

Boardmember Hitchens remarked that as a designer, he felt that Mulberry Marketplace was a beautiful development, and that he agreed with the proportion and sizing of most of the signs, with the exception of the pharmacy sign. He mentioned that he would like to

know more specifics on sign D, as opposed to just seeing it labeled as a "TBD". He acknowledged that the Fry's Marketplace sign is the key focus, and stated that the "dead space" is less impactful on the smaller signs.

Chairperson Montague asked the Board if they felt that the allowed 320 sq. ft. recommended by Staff was agreeable to them.

Boardmember Hitchens stated that he is agreeable with the sign package, with a few exceptions, namely the Fry's Pharmacy sign. He admitted that he wasn't comfortable with going to the 464 sq. ft. number but he felt that he could support more than the Staffrecommended 320 square footage.

Staff member Davis confirmed for Boardmember Hitchens that the bank or "TBD" would be limited to 37 sq. ft., if the applicant was to have the 500 sq. ft. signage allowance approved.

Boardmember Rembold noted that the signage is already near the 500 sq. ft. request, because the CSP is at 464 sq. ft. even without the "TBD".

Boardmember Stradling stated that he was concerned about picking a square footage number without knowing the full impact of what it means. He clarified that his judgment isn't swayed by design or appearance, and that he is concerned with the Board trying to design by reducing a set of numbers to accommodate another set of numbers. He went on to say that he puts a lot of confidence in the Code, and in prior actions of the Board. He noted that he hasn't heard any mention of precedent from other sites where similar type signage under similar-type circumstances has been proposed and allowed. He concluded that every occupant deals with negative space in signage, and that he would appreciate the applicant reworking the request, to give the Board a more tangible proposal to consider.

Mr. Sheffield suggested that if the Board was open to increasing the allowed signage, he proposed that they approve 400 sq. ft. (a compromise between the staff-recommended 320 sq. ft. and the applicant-requested 450-500 sq. ft.), and then potentially reconsidering the case at the February Meeting, if necessary. He explained that it will allow Staff and Fry's an opportunity to work together, find a creative way of creating two geometric shapes for the signage allowance, and then come back with a little more solid set of numbers for a definitive "yes or no" vote from the Board.

Boardmember Freeman expressed that he has full confidence in Staff working with the developer, and that he liked the signage on the building. He stated that if the development is 600' away from the street, larger signs may be needed, especially for the smaller merchants in the plaza.

Boardmember Swanson stated that he supported coming back at the February Meeting if additional information would be presented, but that he wasn't inclined to create a unique situation from an excessively large signage allowance on the corner of Guadalupe and Signal Butte Roads.

Mr. Sheffield gave an example of routinely allowed 320 sq. ft. of signage at 110,000 sq ft. Home Depot stores. He then cited a unique situation using the Fry's at Country Club Drive and Baseline Road, stating that although the Fry's is a little smaller than a typical Home

Depot, 380 sq. ft. of signage was allowed. He explained that the increased 80 sq. ft. of signage was seen as justifiable because the sign was not visible from Country Club Drive. Mr. Sheffield went on to cite a contrasting example where Berge Ford proposed 6 'signage lettering on their west facing wall, but the Board reduced the letters to 5'. Mr. Sheffield explained that the decision was met with some resistance, but still even after the reduction, they are plainly visible while driving on the U.S. 60. Mr. Sheffield concluded that he could see some consistency in past decisions for allowing an increase in allowed signage square footage at Mulberry Marketplace.

Boardmember Hitchens clarified for the Board that the only alteration to the Staff recommended Conditions would be to Condition #4, changing the maximum to 400 sq. ft. instead of 320 sq. ft. of attached signs.

Mr. Sheffield clarified to all present that Staff will work with the applicant, and if there is a disagreement on what the Board has approved, he said that the case would be brought back for reconsideration next month.

Motion:

It was moved by Boardmember Hitchens seconded by Boardmember Stradling to approve case BA14-071 with conditions:

- Compliance with the sign plan submitted, except as modified by the conditions listed below.
- 2. Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.
- 3. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.
- 4. The Anchor Tenant, Fry's Marketplace, shall be allowed a maximum of 400 square feet of attached signs. All attached signs shall be consistent in size placement with the architectural design of the project as determined by Planning Staff.
- 5. Modifier signs can be utilized on the Fry's Marketplace elevation and will not be included in the overall attached sign area as long as the letters are no larger than 12" in height and placement of the modifier sign shall be no higher than 8' in height.
- 6. The Major Tenant defined at 60,000 square feet or more shall be allowed a maximum of 160 square feet of attached sign as allowed by code.

FINDINGS:

- The CSP allowed three detached signs adjacent to Signal Butte Road and three adjacent to Guadalupe Road. As shown in Table 1, the total aggregate sign height and area proposed for detached signs along Signal Butte Road and Guadalupe Road are much less than are allowed under current Sign Ordinance maximums. No proposed detached sign exceeds 12 feet in height or 80 square feet in area.
- 2. The additional attached sign area for the Fry's Marketplace was further justified by the distance of the building from Signal Butte Road (approx. 600 feet) and the need for attached signs in proportion to the scale of the building and complementary to the building architecture. There are two identified public entrances to the Fry's Marketplace. The higher quality architecture and larger scale of the project have been tailored for the site as a result of the developer working in harmony with the adjacent residential developer.
- 3. The aggregate sign areas that exceed current Code maximums are balanced by the reduced amount of detached sign numbers, height, and areas allowed by code. Sufficient justification was provided for an increase in aggregate attached sign area
- 4. Except for the anchor tenant and the yet-to-be-designed major tenant, the proposed CSP is largely consistent with current Code requirements, and the deviations requested related to the number and

size of attached signs result in a plan that is complimentary to adjacent development and consistent with the use of the property. Therefore, the CSP, with the recommended conditions, was compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Vote: Passed (6-0) (Excused-Boardmember Siebers)

OTHER BUSINESS:		
None		
ITEMS FROM CITIZENS PRESENT		
None		
Respectfully submitted,		
Gordon Sheffield, AICP CNU-a Zoning Administrator		